

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CONNIE TITCHENELL,

Plaintiff,

v.

APRIA HEALTHCARE INC.,

Defendant.

CIVIL ACTION

NO. 11-563

SUSAN M. MURPHY,

Plaintiff,

v.

**APRIA HEALTHCARE INC., NORMAN
C. PAYSON, and DANIELE E.
GREENLEAF,**

Defendants.

CIVIL ACTION

NO. 13-1766

ORDER

AND NOW, this 24th day of June, 2013, upon consideration of Plaintiff's Unopposed Motion to Approve Collective Action Settlement and Consolidate Actions for Settlement Purposes (Document No. 101, filed May 9, 2013), Plaintiff's Unopposed Motion for Approval of Attorney's Fees and Reimbursement of Costs and Expenses (Document No. 101, filed May 9, 2013), and the related submissions of the parties, Defendant Apria Healthcare, Inc.'s Memorandum of Law Requesting Approval of Paragraph 5 of the Settlement Agreement and Release (Document No. 105, filed June 17, 2013), the Settlement Agreement and Release (Document No. 106, filed June 17, 2013), and plaintiffs' Memorandum (Document No. 107, filed June 17, 2013), and the Court concluding that, with the exception of paragraph five (5) of the Settlement Agreement and Release and paragraph six (6) of the Individual Settlement Agreement and General Release, both of which provide for confidentiality, the settlement satisfies the factors enumerated by the Third Circuit in *Girsh v. Jepson* 521 F.2d 153, 157 (1975) and is fair, adequate and reasonable, and that the request

of counsel for counsel fees and costs in the total amount of \$400,000.00 is reasonable, **IT IS ORDERED** as follows:

1. Plaintiff's Unopposed Motion to Approve Collective Action Settlement and Consolidate Actions for Settlement Purposes is **GRANTED** subject to the proviso, agreed to by the parties, that the confidentiality provisions – paragraph five (5) of the Settlement Agreement and Release and paragraph six (6) of the Individual Settlement Agreement and General Release – are deleted; and,

2. Plaintiff's Unopposed Motion for Approval of Attorney's Fees and Reimbursement of Costs and Expenses is **GRANTED**.

IT IS FURTHER ORDERED as follows:

1. Pursuant to the provisions of Rule 41.1(b) of the Local Rules of Civil Procedure, by reason of the settlement, the action is **DISMISSED WITH PREJUDICE**, by agreement of counsel, without costs;

2. The Court **RETAINS** jurisdiction over the settlement of these cases; and,

3. The Clerk of Court shall **MARK** these cases **CLOSED**.

BY THE COURT:

s/ Jan E. DuBois
DuBOIS, JAN E., J.